IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:-

THE HONOURABLE THE CHIEF JUSTICE MR.H.L.DATTU
&
THE HONOURABLE MR. JUSTICE K.T.SANKARAN

TUESDAY, THE 10TH JULY 2007 / 19TH ASHADHA 1929

W.A.No.877 of 2004(C)

AGAINST THE JUDGEMENT IN W.P.(C).NO.6548/2004(D) DATED 26/02/2004

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APPELLANT: PETITIONER IN WP(C):-

K.K.THOMAS, AGED 59 YEARS, S/O. KOCHUVARKY,
KALAPPURAKKAL, MALA DESOM,
VADAMA VILLAGE, MUKUNDAPURAM TALUK, TRICHUR.

BY ADV. SRI.K.A.JALEEL

RESPONDENTS: RESPONDENTS IN WP(C):-

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1. THE DISTRICT COLLECTOR, THRISSUR.

2. DEPUTY TAHSILDAR (RR),
MUKUNDAPURAM, THRISSUR.

3. VILLAGE OFFICER, VADAMA VILLAGE,
MUKUNDAPURAM TALUK.

BY SENIOR GOVERNMENT PLEADER SMT.MEERA.

THIS WRIT APPEAL HAVING BEEN FINALLY HEARD ON 10/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:-

H.L.Dattu,C.J. & K.T.Sankaran,J.

W.A.No.877 of 2004-C

Dated, this the 10th day of July 2007

JUDGMENT

H.L.Dattu,C.J.

Appellant-petitioner while filing the writ petition ought to have made the District Collector, Coimbatore as a party to the proceedings. Without impleading a proper and a necessary party, first and foremost he could not have questioned the revenue recovery certificate issued by the Tahsildar pursuant to the request made by the District Collector, Coimbatore. Non joinder of necessary and proper parties is fatal to the proceedings. Therefore, the writ petition requires to be rejected on that ground alone. However, the learned Single Judge has taken other aspects of the matter also into consideration. This, in our opinion, was wholly unnecessary for disposing the writ petition.

2. In that view of the matter, though we cannot sustain the order passed by the learned Single Judge, in view of not impleading the necessary and proper parties to the original proceedings, the Writ Appeal requires to be rejected and it is rejected.

Consequently, I.A.No.1425 of 2004 is dismissed.

Ordered accordingly.

H.L.Dattu
Chief Justice

K.T.Sankaran
Judge

vku/-